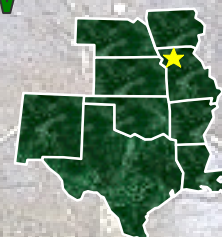


Central Region Review



U.S. Army Environmental Center Central Regional Office Kansas City, Missouri



★ JANUARY/FEBRUARY 2000 ★

★ REGIONS VI & VII ★

*Environmental Legislative Actions, Proposed Rules, Final Rules, Emergency Rules, and Judicial Decisions
for the States in Federal Regions VI and VII.*

GENERAL INFORMATION

Federal Strategic Environmental Research and Development Program (SERDP). The objective of SERDP is to provide environmental research and development funds through competition. There are two announcements for each solicitation for the government and the private sector that compete for SERDP funds. The first announcement is a Broad Agency Announcement for the private sector, and the second is a Call for Proposals for the federal sector. The primary annual solicitation for fiscal year (FY) 2001 was published on 17 November 1999. Solicitation for pre-proposals from the private sector closes on 16 March 2000. *Federal agencies and organizations wishing to participate need to contact their respective member of the Executive Working Group for detailed instructions and specific deadlines. These names and phone numbers can be obtained by calling SERDP at (703) 696-2127 or by visiting the web site <http://www.serdp.org/general/about/contacts/contacts.html>. Further information for both private and federal parties may be found on the Internet at <http://www.serdp.org/>.*

ASSISTANCE INFORMATION

U.S. Environmental Protection Agency (EPA) Web Site for Air Permitting. A U.S. EPA web site is now available that provides information on the air permitting process, including Title V permitting and New Source Review. The site contains a database of U.S. EPA guidance on Title V permitting, and will eventually allow online viewing of permits, engineering reports and correspondence from regional, state and local air agencies. *The web site address is <http://www.epa.gov/oar/oaqps/permjimp.html>.*

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FY 2001 Legacy Funds. Pre-proposals for potential funding through the Legacy Resource Management Program for FY 2001 projects must be submitted by 15 March 2000. Although there is no certainty that Legacy funding will be appropriated, the Army has received approximately \$2-3 million annually during the past four years. The FY 2001 areas of emphasis are the following: (1) regional ecosystem management initiatives, (2) integrated natural resources management, (3) cultural resources management, (4) invasive species control, (5) monitoring and predicting migratory patterns of birds and mammals, (6) curation of archaeological properties and documents owned and controlled by the Department of Defense (DoD), (7) national and international initiatives, (8) Native American issues, and (9) program management.

Pre-proposals must be submitted through the Legacy Program Project Tracker (<http://www.dodlegacy.org/>). They must be submitted through installations, major Army commands, or Army headquarters using the chain of command. For more information, please contact Bill Woodson, DSN 223-0680 or (703) 693-0680. The technical point of contact is Annie Hoke, U.S. Army Environmental Center (USACE), DSN 584-1576 or (410) 436-1576.

Compliance Calendar for Safe Drinking Water Act (SDWA) Amendments. On 6 August 1996, President Clinton signed into law amendments to the SDWA. The amendments included compliance requirements addressing sanitary surveys, consumer confidence reports, maximum residual disinfectant levels, operator certification, and the source water assessment program. *The SDWA list of requirements and compliance calendar has been posted on the Internet at <http://www.epa.gov/safewater/sdwa/sdwa.html>.*

Prospective Purchaser Agreements (PPAs). Newly available U.S. EPA documents concerning PPAs, which can protect buyers of contaminated property from being sued by the U.S. EPA and other responsible parties under the Superfund law, have been published at 65 *Federal Register* (FR) 1381. The documents, dated 1 October 1999, include a standard letter that could be sent to parties requesting a PPA, a proposed checklist of information needed by the agency to evaluate such requests, and a revised model PPA. U.S. EPA's guidance on agreements with prospective purchasers of contaminated property was published in July 1995 at 60 FR 34792. *For further information, please contact David Gordon, Office of Site Remediation Enforcement, U.S. EPA, at (202) 564-5147. The documents are available at <http://es.epa.gov/oeca/osre/> on the Internet.*

Spill Prevention Control and Countermeasure (SPCC) Plans. According to 40 Code of Federal Regulations (CFR) 112.3, facilities with aboveground storage tanks (ASTs) and/or underground storage tanks (USTs) that could possibly spill oil in harmful quantities in U.S. waters or shorelines are required to have SPCC Plans. Beyond just having an SPCC plan, facilities are required to review and evaluate their plan every three years, and amend their SPCC plan if there is any change materially affecting oil discharge potential. As a result of December 1998 upgrade requirements for leak detection, spill and overfill protection, and corrosion protection, it is possible that Army installations may have materially affected their potential to discharge oil. Other installations may be approaching their triennial review and evaluation date. New or amended SPCC plans must be certified by an engineer; however, if the review determines that the current plan is adequate, then it is sufficient to merely attach a memorandum to the plan stating that it was reviewed and remains satisfactory. *For further information, please contact Michael Worsham, USAEC, at (410) 436-7076 (DSN 584), or e-mail michael.worsham@aec.apgea.army.mil.*

TRAINING INFORMATION

Military Munitions Rule 2 (MR2) Computer-Based Training (CBT). Release of the MR2 CBT has been delayed until March 2000. The course is designed for DoD military and civilian personnel who work with waste military munitions (WMM). This instruction will advise when military munitions may become waste and specific methods to conduct WMM operations that will be consistent on all military installations. Inspections, storage, transportation, production, permitting, disposal and recycling are a few examples of ammunition operations. Note that this course is only accessible in CD-ROM format, and it replaces the MMR Phase I CBT. *To order the CBT course, please visit the Defense Ammunition Center (DAC) web site at <http://www.dac.army.mil/as/>. For additional information, please contact Gail Ruffin, DAC, at (918) 420-8818 (DSN 956), or e-mail ruffin@dac-emh2.army.mil.*

U.S. EPA Region VI — Environmental Response Training Program (ERTP). U.S. EPA Region VI will be offering the following upcoming environmental response training courses:

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|--|-------------------------|
| • Radiation Safety at Superfund Sites | 6-10 March 2000 |
| • Emergency Response to Hazardous Material Incidents | 13-17 March 2000 |
| • Hazardous Materials Incident Response Operations | 17-21 April 2000 |
| • Sampling for Hazardous Materials | 16-18 May 2000. |

ERTP course information is available at U.S. EPA's Training Exchange web site at <http://www.trainex.org/>. To register for a class or for more information on courses offered by U.S. EPA Region VI, contact Keith Reddick, U.S. EPA Region VI, at (214) 665-8338, fax (214) 665-7447, or e-mail redrick.keith@epamail.epa.gov.

U.S. EPA Region VII — ERTTP. U.S. EPA Region VII will be offering the following upcoming environmental response training courses:

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|--|-----------------------------------|
| • Risk Assessment Guidance for Superfund | 15-18 February 2000 |
| • Environmental Remediation Technologies | 29 February - 2 March 2000 |
| • Sampling for Hazardous Materials | 28-30 March 2000 |
| • Chemistry for Environmental Professionals | 11-14 April 2000 |
| • Hazardous Materials Incident Response Operations | 1-5 May 2000 |
| • Emergency Response to Hazardous Material Incidents | 8-12 May 2000. |

ERTP course information is available at U.S. EPA's Training Exchange web site at <http://www.trainex.org/>. To get a list of all training opportunities currently available through U.S. EPA Region VII, or for more information on classes, contact Evelyn VanGoethem, U.S. EPA Region VII, at (913) 551-7659, fax (913) 551-7145, or e-mail vangoethem.evelyn@epa.gov. To register for a class, contact the Training Registrar at (513) 251-7776 or (513) 251-7669, fax (513) 251-4137, or e-mail embryk@ttnus.com.

Risk Communication Workshops. The U.S. Army Center for Health Promotion and Preventive Medicine's (CHPPM) Risk Communication program will be conducting the following risk communication workshops:

Introductory Classes

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|-------------------------------------|----------------------------|
| • 29 February - 2 March 2000 | San Antonio, Texas |
| • 2-4 May 2000 | Baltimore, Maryland |
| • 6-8 June 2000 | Seattle, Washington |
| • 22-24 August 2000 | Baltimore, Maryland |

Advanced Classes

- | | |
|---------------------------|-----------------------------|
| • 10-13 April 2000 | San Antonio, Texas |
| • 17-20 July 2000 | Baltimore, Maryland. |

Additional information is available on the Internet at <http://chppm-www.apgea.army.mil/hrarcp/pages/index.html>. For further information or a workshop application, please contact Laura Hoover, CHPPM, at (410) 436-7715.

Pollution Prevention Operations and Management — Satellite Broadcast Course. The Air Force Institute of Technology (AFIT) Civil Engineer and Services School is offering a five-day Pollution Prevention Program Operations and Management course (course #ENV 022) on both **27-31 March 2000** and **17-21 July 2000**. The course is designed to emphasize pollution prevention concepts such as source reduction of hazardous and toxic chemicals, solvent substitutions, reuses and recycling, process changes, and environmental awareness. Additionally, the course introduces management techniques that can be utilized to implement a sound pollution prevention program, including (1) establishing and running the program, (2) conducting pollution prevention opportunity assessments, (3) implementing process changes to incorporate pollution prevention, (4) assessing pollution prevention program success, and (5) establishing awareness training. For further information, please contact AFIT at (937) 255-2156 (DSN 786). Additional details on this course and others offered by the AFIT Civil Engineer and Services School can be obtained on the Internet at <http://cess.afit.af.mil/>. Please note that this course is only offered through satellite broadcast, and registration closes 40 days prior to the broadcast.

SDWA Transient Non-Community Drinking Water Systems. U.S. EPA Region 10 and the Bureau of Land Management National Applied Resources Science Center are offering a training course on the SDWA for federal, state and local government owners and operators of transient, non-community water supplies. The course is specifically tailored to address regulatory requirements, best management practices and common sense approaches for these small systems. The SDWA training will be presented **5-6 April 2000** at U.S. EPA's Region 10 Office in **Seattle, Washington**. For more information, please contact Michele Wright at (202) 553-1747. Class size is limited, so you must pre-register.

CONFERENCES AND SEMINARS

Affirmative Procurement Implementation Seminar. The Army CHPPM's Ground Water and Solid Waste Program is available to provide a one-day seminar on affirmative procurement at the installation or Army activity level. The course is geared toward individuals in the procurement, contracting, environmental, and logistics fields. Seminar topics include (1) affirmative procurement requirements and Executive Order 13101, (2) whom it applies to, (3) what items are included, (4) who is tracking all this and how, (5) achieving compliance (what U.S. EPA will be looking for), (6) importance of buying recycled items, (7) environmentally preferable purchasing, (8) balancing costs and benefits, (9) toxic reductions, (10) recycled content, (11) energy savings, (12) safety, (13) disposal, (14) quality of product, (15) how the Federal Acquisition Regulations incorporate affirmative procurement, and (16) how to write contracts to include affirmative procurement and recycling requirements. *For further information, please contact John Bauer, CHPPM, at (410) 436-2024 (DSN 584), or e-mail john.bauer@apg.amedd.army.mil.*

U.S. Army Water Issues Workshop. Army environmental personnel are invited to attend this workshop, which is the fourth in a series of workshops the Army has sponsored to increase understanding of the requirements and challenges of Clean Water Act (CWA) and SDWA management at all levels of Army organization. The theme of this year's workshop is *Future Directions for Water Quality Programs*. The workshop will be held in **Biloxi, Mississippi**, on **13-16 March 2000**. The first day is for U.S. Army Forces Command (FORSCOM) and Training and Doctrine Command installation personnel only. *For information regarding registration, please e-mail Brad White with Roy F. Weston, Inc. at whiteb@mail.rfweston.com. The registration notification must be received no later than 21 February 2000. Online registration is also available at <http://westonproject.net:8080/biloxi/>.*

26th Environmental Symposium and Exhibition. The Environmental Systems Division of the National Defense Industrial Association, in cooperation with the Deputy Under Secretary of Defense (Environmental Security) and the Deputy Assistant Secretary of the Navy (Environment and Safety), will be hosting the 26th Environmental Symposium at the Long Beach Convention Center in **Long Beach, California**, on **27-30 March 2000**. The theme for this year's Symposium and Exhibition will focus on the impact of DoD activities on the global environment. Service workshops, technology seminars, and contract pre-solicitation briefings will be available for both government and industry attendees. The goal of the symposium will be to examine the global environmental issues and see how they concern and relate to the mission of sustaining DoD readiness. *For more information, please visit the following web site: <http://www.ndia.org/events/brochure/044/044.htm>.*

HAZMAT 2000 Spills Prevention Conference. This U.S. EPA conference is being held at the Regal Riverfront Hotel in **St. Louis, Missouri**, on **4-6 April 2000**. The conference will offer the most up-to-date information on chemical accident prevention, counter-terrorism, special event planning, risk communication, the Emergency Planning and Community Right-to-Know Act (EPCRA), integrated contingency plans, ammonia refrigeration awareness training, and Computer-Aided Management of Emergency Operations training. *For additional information, please call (703) 934-3760 or e-mail hazmat2000@nrt.org. More details are available on the Internet at <http://www.nrt.org/hazmat2000/>.*

The Unexploded Ordnance (UXO) Forum and the Countermine Symposium and Exhibition. The UXO Forum and the Countermine Symposium, which will examine the technologies, issues and policies surrounding the UXO and countermine arena, will be held at the Anaheim Marriott in **Anaheim, California**, on **2-4 May 2000**. Abstracts are currently being solicited on the following topics: detection, clearance, disposal, active range clearance policy and environmental security policy. *For additional information on the conference, please contact Jeff Purdy at (703) 704-2784, or e-mail TheForum@nvl.army.mil. Details are also available on the Internet at <http://www.denix.osd.mil/TheForum>. Finally, you can request information by sending an e-mail to TheForum@tva.gov or by phoning 1-888-808-5303.*

U.S. Geological Survey (USGS) DoD Environmental Conservation Conference. The USGS is sponsoring another in its long-running series of annual conferences dealing with environmental conservation activities related to DoD installations and activities. This year's conference will be held **2-5 May 2000** in **San Diego, California**. The conference will utilize both DoD and USGS speakers to articulate the needs of DoD and to highlight the capabilities and accomplishments of the USGS across a broad range of environmental issues in military and related settings. This is an opportunity to contact individuals that bring a wide range of innovative science to the table, and the format of the conference is designed to foster just such one-on-one interactions. *More information regarding the conference is to be posted on the USGS home page (<http://www.usgs.gov/>) in February. For further information, contact William Herb, USGS Liaison to the USAEC, at (410) 436-7096, or e-mail william.herb@aec.apgea.army.mil.*

2000 Real World Air Conference. FORSCOM and the U.S. Army CHPPM are partnering to conduct the second Real World Air Conference on **15-18 May 2000** at the Sheraton Atlanta Hotel in **Atlanta, Georgia**. The conference is intended to address current air pollution issues affecting federal facilities. Potential technical session topics include pollution prevention, particulate matter (both PM10 and PM2.5), National Emission Standards for Hazardous Air Pollutants (NESHAPs), regional pollutant transport, ozone-depleting chemicals, sampling methods, open burning/open detonation, EPCRA, air pollution health issues, legal issues, ISO 14000, and geographical information system applications. *Conference information and online registration are available on the Internet at <http://chppm-www.apgea.army.mil/air/airconf/confhome.htm>. For further information, contact Ilani Donley, Conference Coordinator, at (410) 436-8113, or e-mail <mailto:ilani.donley@apg.amedd.army.mil>; or contact Rochelle Williams, FORSCOM, at (404) 464-7695, or e-mail <mailto:williaro@FORSCOM.army.mil>; or contact Sherri Hutchens, CHPPM, at (410) 436-8149, or e-mail sherri.hutchens@apg.amedd.army.mil.*

Kansas Department of Health and Environment's (KDHE) Year 2000 Environmental Conference.

This conference sponsored by KDHE will be held **12-13 September 2000** at the Capitol Plaza Hotel and Expocentre in **Topeka, Kansas**. The conference will feature a keynote speaker, concurrent sessions, seminars with a focus on pollution prevention (including case studies), and regulatory changes. There will also be an exhibition. *For more information, please contact Janet Neff, Office of Planning and Prevention, KDHE, at (785) 296-0669.*

FEDERAL ACTIONS

U.S. EPA FINAL RULES

Revisions to Guidelines for the Storage and Collection of Residential, Commercial, and Institutional Solid Waste (64 FR 70602, 17 December 1999; 40 CFR Part 243). The U.S. EPA is taking direct final action to revise its Guidelines for the Storage and Collection of Residential, Commercial, and Institutional Solid Waste. This rule incorporates by reference new voluntary consensus standards from the American National Standards Institute, assuring that the Guidelines include references to the most current national safety standards. This rule is effective 17 March 2000. On 17 December 1999 (64 FR 70666), the U.S. EPA proposed to revise the Guidelines and solicited comments on this decision. If adverse comments were received by the 18 January 2000 deadline, the U.S. EPA will publish a timely withdrawal of the direct final rule in the *Federal Register* and address the comments in a subsequent final rule. *For further information, please contact Dwight Hlustick, Office of Solid Waste (5306W), U.S. EPA, at (703) 308-8647, or e-mail HLUSTICK.DWIGHT@EPAMAIL.EPA.gov.*

Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Landfills Point Source Category (65 FR 3007, 19 January 2000; 40 CFR Parts 136 and 445).

In this rule, the U.S. EPA establishes technology-based effluent limitations for wastewater discharges (including landfill leachate and gas collection condensate) to navigable waters from the operation and maintenance of new and existing hazardous and nonhazardous landfill facilities. The rule does not establish pretreatment standards for the introduction of pollutants into Publicly Owned Treatment Works from such landfills; does not apply to wastewater discharges associated with the treatment of contaminated groundwater from such landfills; and does not apply to wastewater discharges from "captive" landfills. This rule is effective 18 February 2000.

The Federal Register notice and supporting development documents may be viewed at <http://www.epa.gov/ost/guide/landfills/>. For additional technical information, please contact Michael Ebner, Engineering and Analysis Division (4303), U.S. EPA, at (202) 260-5397, or e-mail ebner.michael@epa.gov. For additional information on the economic impact analyses, please contact William Anderson, U.S. EPA, at (202) 260-5131, or e-mail anderson.william@epa.gov.

Title V Operating Permit Deferrals for Area Sources of Air Pollution Subject to Five NESHAPs; Amendments (64 FR 69637, 14 December 1999; 40 CFR Part 63).

These amendments continue to allow permitting authorities the discretion to defer Clean Air Act (CAA) Title V operating permit requirements until 9 December 2004, for area sources of air pollution subject to the following five NESHAPs: (1) chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks, (2) ethylene oxide commercial sterilization and fumigation operations, (3) perchloroethylene dry cleaning facilities, (4) halogenated solvent cleaning machines, and (5) secondary lead smelting. Sources must continue to meet all applicable requirements established by the respective NESHAP. The Title V operating permit deferral is an option at the permitting authority's discretion under U.S. EPA-approved operating permit programs and not an automatic deferral that the source can invoke. Under a federally administered operating permit program, the U.S. EPA will defer the requirement for Title V permitting for these sources until 9 December 2004. The effective date of this rule was 14 December 1999. *For*

for further information, please contact Rick Colyer, Emission Standards Division, U.S. EPA, at (919) 541-5262, or e-mail colyer.rick@epa.gov.

National Primary Drinking Water Standards for Lead and Copper (65 FR 1949, 12 January 2000; 40 CFR Parts 9, 141 and 142). This rule makes minor revisions to the national primary drinking water regulations for lead and copper to improve implementation. The intended effect of this action is to eliminate unnecessary requirements, streamline and reduce reporting burden, and promote consistent national implementation. The changes do not affect the lead or copper maximum contaminant level goals, the action levels, or the basic regulatory requirements. Certain transient water systems will continue to be excluded from regulation under these drinking water standards. This rule is effective 11 April 2000. *For more information, please contact Judy Lebowich, Standards and Risk Management Division, Office of Ground Water and Drinking Water, U.S. EPA (4607), at (202) 260-7595.*

Persistent Bioaccumulative Toxic (PBT) Chemicals; Lowering of Reporting Thresholds for Certain PBT Chemicals; Addition of Certain PBT Chemicals; Community Right-to-Know Toxic Chemical Reporting (64 FR 58666, 29 October 1999; 40 CFR Part 372). The U.S. EPA is lowering the reporting thresholds for specific PTBs that are subject to reporting under section 313 of EPCRA and Section 6607 of the Pollution Prevention Act of 1990. The U.S. EPA also made the following revisions: (1) added a category of dioxin and dioxin-like compounds to section 313's list of toxic chemicals, as well as established a 0.1 gram reporting threshold for this class; (2) included certain other PBT chemicals to the section 313 list and established lower reporting thresholds for these chemicals; (3) eliminated the "fume or dust" qualifier for vanadium and added all forms of vanadium with the exception of vanadium when contained in an alloy; (4) added vanadium compounds to the section 313 list of toxic chemicals; and (5) modified certain reporting exemptions and requirements for those toxic chemicals that are subject to the lower reporting thresholds. Please note, however, that the U.S. EPA is not lowering the reporting thresholds for either vanadium or vanadium compounds. The effective date of this rule was 31 December 1999.

The U.S. EPA's Toxics Release Inventory web page at <http://www.epa.gov/opptintr/tri/index.htm> contains a copy of the final rule; CAS numbers for the PBT chemicals; specific dioxin, polycyclic aromatic compound, and polychlorinated biphenyl category lists; and PBT guidance as it is created. For more information, please contact Daniel Bushman, U.S. EPA, at (202) 260-3882, or e-mail bushman.daniel@epa.gov.

National Pollutant Discharge Elimination System (NPDES) — Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges (64 FR 68721, 8 December 1999; 40 CFR Parts 9, 122, 123, and 124). These regulations (Phase II) expand the existing NPDES storm water program (Phase I) to address storm water discharges from small municipal separate storm water sewer systems (MS4s) (those serving less than 100,000 persons) and construction sites that disturb 1 to 5 acres. The rule allows for the exclusion and inclusion of certain specified sources from the national program. The regulations also exclude from the NPDES program storm water discharges from industrial facilities that have "no exposure" of industrial activities or materials to storm water. Finally, the rule extends until 10 March 2003 the deadline by which certain industrial facilities owned by small MS4s must obtain coverage under an NPDES permit. This rule was effective 7 February 2000. *For further information, please contact George Utting, Office of Wastewater Management (4203), U.S. EPA, at (202) 260-5815, or e-mail sw2@epa.gov.*

U.S. EPA PROPOSED RULE

Standards for the Use or Disposal of Sewage Sludge (64 FR 72045, 23 December 1999; 40 CFR Part 503). Under a proposed rule announced by the U.S. EPA, treated sewage sludge (or biosolids) that is to be applied to land would have to meet a dioxin limit of 300 parts per trillion (ppt). (Note: The numerical value for the ceiling concentration for dioxins in Table 1 on page 72061 of the *Federal Register* notice is erroneously stated, and has been corrected through a formal notice of correction at 65 FR 1676, 11 January 2000.) The proposed rule would also require facilities to test the biosolids for dioxins and periodically monitor them to determine dioxin levels. Certain facilities would be exempt from the testing requirements in certain situations. For example, facilities that treat less than 1 million gallons per day of waste water would not have to test the level of dioxins before applying biosolids to land. Facilities that find dioxin levels of between 30 ppt and 300 ppt in their biosolids would have to monitor annually for dioxins. Facilities that find less than that amount would only have to monitor every five years. Comments must be received or postmarked on or before 22 February 2000.

For more information, please contact Arleen Plunkett, Office of Water, Health and Ecological Criteria Division (4304), U.S. EPA, at (202) 260-3418. The text of the proposed rule can be found at <http://www.epa.gov/fedrgstr/EPA-WATER/1999/December/Day-23/w33033.htm>.

U.S. EPA NOTICE

Interim Guidance on Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Section 101(10)(H), Federally Permitted Release Definition for Certain Air Emissions (64 FR 71613, 21 December 1999). The U.S. EPA is providing notice that it is seeking comments on its 21 December 1999 interim guidance on the federally permitted release exemption to Section 103 of CERCLA, as amended, and section 304 of EPCRA. These statutes do not require notification for a "federally permitted release" as defined in Section 101(10) of CERCLA. Comments must be submitted on or before 22 February 2000. For further information, visit the U.S. EPA Office of Enforcement and Compliance Assurance's Docket and Information Center web site at <http://www.epa.gov/oeca/polquid/enfdock.html>. For general questions, please contact Lynn Beasley at (703) 603-9086; and for enforcement related questions, please contact Cheryl Rose at (202) 564-4136.

U.S. EPA ADVANCED NOTICE OF RULEMAKING

Inspection and Maintenance (I/M) Programs; CAA Sections 118c and d. Subsequent to a 1998 Department of Justice opinion that Sections 118c and d of the CAA do not contain a waiver of sovereign immunity, the U.S. EPA has notified states that it will be necessary to realign the current state-directed program by publishing a new I/M rule and by amending existing State Implementation Plans (SIPs) accordingly. The federal I/M work group finalized its I/M guidance, which it provided to the U.S. EPA as a template for its new I/M rule. The U.S. EPA has made minor modifications to the work group's guidance document and is preparing to initiate an I/M rulemaking. This rulemaking is expected to be finalized within six months to one year.

U.S. EPA GUIDANCE ACTIVITY

1999 Update of Ambient Water Quality Criteria for Ammonia. The 1999 *Update of Ambient Water Quality Criteria for Ammonia* was made available by the U.S. EPA on 30 December 1999 on the Internet. The update contains the most recent freshwater aquatic life criteria for ammonia. Revisions include the pH and temperature relationship of the acute and chronic criteria and the averaging period of the chronic criterion. The agency recommends 30 days as the averaging period for the ammonia chronic criterion and advises that within the 30-day averaging period, no four-day average concentration should exceed two and a half times the chronic criterion. The update is available at <http://www.epa.gov/ost/standards/ammonia/>. For more information, please contact Brian Thompson, Office of Science and Technology, U.S. EPA, at (202) 260-3809.

U.S. DEPARTMENT OF TRANSPORTATION (DoT) ADVANCED NOTICE OF PROPOSED RULEMAKING

Hazardous Materials; Tank-Vehicle Rollover (64 FR 62161, 16 November 1999). The DoT has published an advanced notice of proposed rulemaking on cargo tank rollover damage protection requirements. DoT's Research and Special Programs Administration (RSPA) is soliciting comments on a research study entitled "The Dynamics of Tank-Vehicle Rollover and the Implications for Rollover-Protection Devices." Responses to the solicitation will be reviewed to determine if there is a need to amend RSPA's Hazardous Materials Regulations specific to rollover damage protection devices for cargo tanks used for the transportation of liquid hazardous materials. Comments must be submitted no later than 15 May 2000. For further information, please call Jennifer Karim, RSPA, DoT, at (202) 366-8553; or Ronald Kirkpatrick, RSPA, DoT, at (202) 266-4545. Danny Shelton, DoT, is also available to answer questions at (202) 366-6121.

KEY ENVIRONMENTAL COMPLIANCE DATES

14 Feb	Reporting deadlines related to Class I and Class II controlled ozone-depleting substances. Apply to producers and importers (Class I); transformers and destroyers (Class I); producers, importers, and exporters (Class II); and importers and exporters (Class II).	CAA; 40 CFR 82.13(c), 82.13(f)(3)(i)-(xiii), and 82.13(g)(3)(i)-(xiii); 40 CFR 82.13(m); 40 CFR 82.13(n); and 40 CFR 82.13(o)	57 FR 33784, 7/30/92 as amended; 58 FR 65051, 12/10/93 as amended; 57 FR 33785, 7/30/92 as amended; and 58 FR 12/10/93 as amended.
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REGION VI STATE ACTIVITY

ARKANSAS

Legislative/Regulatory Activity

STATE OF ARKANSAS LEGISLATIVE ACTIVITY

The Legislature will not hold a regular session in the year 2000. The next regular session begins in January 2001, although Committees will continue to meet during the interim.

STATE OF ARKANSAS FINAL RULE

General Fee System Revisions: Multimedia, Taxes/Fees, Permit (Regulation 9). The Arkansas Department of Environmental Quality (ADEQ) has adopted revisions to its fee system for water, air, and solid waste permits (Regulation 9). The changes deal with modifications to water and solid waste permit fees; addition of permit application and annual fees for general air permits; addition of a new section concerning interim authority or variance requests, along with associated fees; and a number of non-substantive clarification changes. This rule was effective 27 December 1999. *For more information, please contact Doug Szenher, ADEQ, at (501) 682-0911.*

STATE OF ARKANSAS PROPOSED RULE

Bad Actor Provision: Multimedia, Permit, Enforcement (Regulation 8). ADEQ is proposing to establish regulatory procedures for administering and enforcing the "bad actor" provisions of state law regarding issuance of permits. The proposal would establish criteria for denial of environmental permits to applicants who have a history of violation of environmental laws or regulations in the previous 10 years, or who fail to properly disclose their compliance history. It is reported that the Arkansas Environmental Federation attacked the proposal as being overly broad and restrictive. ADEQ intends to rework the proposal based on comments received. *For more information, please contact Doug Szenher, ADEQ, at (501) 682-0911.*

[NOTE: General information regarding ADEQ and its programs, including access to proposed and final regulations, is available on ADEQ's web site at <http://www.adeq.state.ar.us/>.]

LOUISIANA

Legislative/Regulatory Activity

U.S. EPA FINAL RULE

Approval and Promulgation of Implementation Plan: Transportation Conformity Rule (64 FR 72934, 29 December 1999; 40 CFR Part 52). The U.S. EPA is taking direct final action in approving a revision to the state's SIP that contains the transportation conformity rule. The rule assures that in air quality nonattainment or maintenance areas, projected emissions from transportation plans and projects stay within the motor vehicle emissions ceiling in the SIP. The revisions enables the state to implement and enforce the federal transportation conformity requirements at the state level. This rule is effective 28 February 2000. On 29 December 1999 (64 FR 72971), the U.S. EPA proposed to approve the SIP revision and solicited comments on this decision. If adverse comments were received by the 28 January 2000 deadline, the U.S. EPA will publish a timely withdrawal of the direct final rule in the *Federal Register* and address the comments in a subsequent final rule. *For further information,*

please contact J. Benjamin, Air Planning Section, Multimedia Planning and Permitting Division, U.S. EPA Region 6, at (214) 665-7247.

STATE OF LOUISIANA LEGISLATIVE ACTIVITY

The next regular Legislative session begins in April 2000.

STATE OF LOUISIANA FINAL RULES

Civil Penalty Revisions: Multimedia, Enforcement (Louisiana Administrative Code [LAC] 33:I.705).

The Louisiana Department of Environmental Quality (LDEQ) has adopted a change in the maximum daily civil penalty cap from \$25,000 to \$27,500 for violation of environmental law. This rule was effective 20 December 1999. *For more information, please contact Patsy Deaville, LDEQ, at (225) 765-0382.*

Water Quality Standards (LAC 33:IX.1105, 1111, 1113, 1115, 1117, 1121, 1123). LDEQ has adopted revisions to its water quality standards that include (1) addition of new language that states the use of clean or ultraclean techniques may be necessary in some situations; (2) revision of several numerical criteria with current data; (3) addition of new and updated references for biomonitoring; (4) revision of numerical criteria and designated uses table; and (5) addition of language to clarify the links between dissolved oxygen and the designated uses for fish and wildlife propagation. This rule was effective 20 December 1999. *For more information, please contact Patsy Deaville, LDEQ, at (225) 765-0382.*

Inactive and Abandoned Sites: Cleanup/Brownfields, Administrative Procedures (LAC 33:VI). LDEQ has adopted a rule to establish administrative procedures for the identification, investigation and remediation of inactive and abandoned hazardous waste sites and hazardous substance sites. The rule will include provisions for a voluntary cleanup program. The rule is intended to be a codification of existing departmental policy. This rule was effective 20 November 1999. *For further information, please contact Lou Buatt, LDEQ, at (225) 765-0252.*

Regulatory Innovation Program: Pollution Prevention (LAC 33:I.Chapter 37). LDEQ has adopted a rule to establish procedures to participate in Louisiana's Environmental Regulatory Innovations Program. The rule will contain application requirements, department review conditions, a priority system for ranking demonstration projects, project amendment and renewal procedures, and project termination. The purpose of the program is to encourage facilities to reduce pollution to levels lower than those required by law. This rule was effective 20 November 1999. *For further information, please contact Cheryl Flory, LDEQ, at (225) 765-0395.*

STATE OF LOUISIANA PROPOSED RULES

Clean Fuel Fleet Repeal: Air (LAC 33:III.1951-1973; 20 December 1999). LDEQ has announced that it is indefinitely postponing implementation of its clean fuel fleet program, including the registration deadline. The Department intends to substitute that program with surplus emission reduction credits contained in the 15% Rate of Progress SIP. The U.S. EPA has approved the credits as an acceptable clean fuel fleet substitute program. *For more information, please contact Teri Lanoue, LDEQ, at (225) 765-0219.*

Restoration of State Deadline and Correction of Emissions Credit Banking Rule: Air, Voluntary Program, Adopt a Federal Rule (LAC 33:III.613, 615, and 5122; 20 December 1999). LDEQ is proposing to correct errors made in two previous rulemakings. The Department omitted a state deadline in 40 CFR 63.44(d)(1) when it incorporated by reference amendments to federal air regulations. Also, the submittal date for applications for banking emissions reduction credits will be corrected to six months.

Counsel Comment: The anticipated effective date of this rule is 20 April 2000. The purpose of the proposed rule is to make a number of "housekeeping" changes. At the present time, LDEQ is preparing its comments to the public comments it received regarding the proposed rule.

For more information, please contact Patsy Deaville, LDEQ, at (225) 765-0382.

Adoption of Federal Resource Conservation and Recovery Act (RCRA) IX Package: Hazardous Waste (LAC 33:V; 20 December 1999). LDEQ is proposing to adopt an update to its hazardous waste regulations. The revisions are identical to the federal amendments included in the RCRA IX package. The

amendments include the following topics: (1) petroleum refining process wastes; (2) Phase IV land disposal restrictions (LDRs) for zinc micronutrient fertilizers; (3) emergency revisions for the LDRs for carbamate production wastes; (4) extension of the LDR compliance date for characteristic slags; (5) post-closure requirements; (6) technical amendments to the Universal Waste Rule; (7) organic air emission standards; and (8) leachate exemption for petroleum refining process wastes. *For more information, please contact Patsy Deaville, LDEQ, at (225) 765-0382.*

[NOTE: Current regulatory information from LDEQ, including notices of intent, emergency rules, and final rules, can be found on LDEQ's web site at <http://www.deq.state.la.us/>. Click on "Rules and Regulations" and "Additions to the Louisiana Register."]

NEW MEXICO

Legislative/Regulatory Activity

STATE OF NEW MEXICO LEGISLATIVE ACTIVITY

The New Mexico Legislature will convene on 18 January 2000. The session will be limited to a 30-day session to address only budget, appropriations and revenue measures.

New Mexico Interim Water and Natural Resources Committee — Water, Air, Groundwater. At the 29-30 November 1999 hearings, the committee endorsed legislation it deemed worthy of further consideration, including that dealing with (1) adjudication reform, (2) water banking, (3) domestic wells, (4) watershed management, and (5) appropriations.

STATE OF NEW MEXICO FINAL RULES

House Bill (H.B.) 203 — Construction Permits: Air, New Source Review (20 New Mexico Administrative Code [NMAC] 2.72, 2.74, 2.79). The New Mexico Environmental Department (NMED) has adopted revisions to meet a legislative mandate for faster processing of New Source Review permit (construction permit) applications. NMED anticipates initiating several rulemakings. The first rulemaking is intended to cover the "bare bones" of the requirements of H.B. 203. This rule was effective 1 January 2000. *For more information, please contact Brad Musick, NMED, at (505) 827-0335.*

SDWA Amendments: Adopt a Federal Rule (20 NMAC 7.1). The Environmental Improvement Board has adopted changes to its drinking water rules required by the 1996 Amendments to the federal SDWA. The rule adds new language requiring new water systems commencing operation after 1 October 1999 to perform a capacity development analysis to document ownership accountability, staffing and organization, revenue sufficiency, credit worthiness, and fiscal management and controls. This rule was effective 15 December 1999. *For more information, please contact Richard Holland, NMED, at (505) 827-1400.*

STATE OF NEW MEXICO ADVANCED NOTICE OF PROPOSED RULEMAKING

Munitions Rule. The rule for adoption of the Munitions Rule is in the process of being proposed. Approval from the Environmental Approval Board is anticipated by the end of April 2000, which would result in the rule becoming effective by the end of June 2000. NMED staff indicated they will likely adopt the Munitions Rule as is.

[NOTE: General information regarding NMED and its various programs, including regulations and permitting, is available on NMED's web site at <http://www.nmenv.state.nm.us/rhome.html>.]

OKLAHOMA

Legislative/Regulatory Activity

STATE OF OKLAHOMA LEGISLATIVE ACTIVITY

The Oklahoma Legislature convened on 7 February 2000.

Oklahoma H.B. 1887 — Waste. This bill would regulate and amend licensing requirements relating to biochemical waste. The text of the bill can be found at <http://www.lsb.state.ok.us/1999-00HB/HB1887int.rtf>. The reported outlook for the bill is that prospects for its consideration are poor since the bill's sponsor is a member of the Republican minority and is not on any environmental committees.

Oklahoma Senate Bill (S.B.) 216 — Environmental Administrative Procedures, Hazardous Waste.

This bill (introduced 1 February 1999) would increase the hazardous waste disposal fee generated within the State of Oklahoma from \$9 per ton to \$50 per ton for on-site or off-site storage, treatment or land disposal. The reported outlook for the bill is that prospects for passage are unclear. The bill's sponsor is the Vice-Chair of the State Energy, Environmental Resources and Regulatory Affairs to which the bill was sent. However, action has not been taken on the bill since its referral in February 1999.

Oklahoma S.B. 482 — Water. This bill (introduced 1 February 1999) relates to unlawful discharges of pollutants into waters of the state. It makes provisions that any person outside of the State of Oklahoma whose wastewater discharge causes a violation in Oklahoma of Oklahoma's Water Quality Standards will be deemed in violation of the Oklahoma Pollutant Discharge Elimination System Act and may be subject to administrative penalties. The bill also establishes fines and penalties for certain pollutant discharge violations. The reported outlook for the bill is that prospects for Senate passage are favorable. The Committee reported the bill favorably.

STATE OF OKLAHOMA FINAL/EMERGENCY RULE

Medical Waste Incinerator Rules: Air (Oklahoma Administrative Code [OAC] 252:100-17). The Oklahoma Department of Environmental Quality (ODEQ) has adopted the federal medical waste incinerator rule, which will establish state emission standards for existing Hospital, Medical, and Infectious Waste Incinerators. The rule will apply to incinerators for which construction commenced on or before 20 June 1996. New Source Performance Standards will be incorporated by reference. The rule will also include requirements for operator training and qualifications, waste management plans, and testing and monitoring of pollutants and operating parameters. This is an emergency rule, effective through 14 July 2000. *For more information, please contact Cheryl Bradley, ODEQ, at (405) 702-4179.*

STATE OF OKLAHOMA PROPOSED RULES

Addition of Mercury-Containing Lamps to Universal Waste Rule: Hazardous Waste (OAC 252:205-3; 15 December 1999). ODEQ is proposing to adopt by reference the federal rule adding mercury-containing lamps to the Universal Waste Rule. The Department is also repealing its state-specific rule which had previously added mercury-containing lamps to universal waste. The Environmental Quality Board will consider the proposal on 25 February 2000. *For more information, please contact Pamela Green, ODEQ, at (405) 702-5100.*

Water Quality Standards (OAC 785:45, OAC 785:46; 15 December 1999). The Water Resources Board is proposing to amend its water quality standards to address some topics that were disapproved in the U.S. EPA's review of previous revisions. The definitions section will be amended to delete the definitions of "large streams" and "small and medium size streams." The requirements for development of site-specific criteria for metals will be changed to require chronic and acute long-term averages to be compared to determine whether dilution at the edge of the chronic or acute mixing zone should be used. Use of whole effluent toxicity testing will be expanded. Finally, the calculation for numerical aquatic criteria will be amended. *For further information, please contact Main Hutcheson, Water Resources Board, ODEQ, at (405) 530-8800.*

Uniform Permitting Procedures (Subchapter 15): Part 5 (Tier Classifications), Part 7 (Review Procedures and Permitting Time Lines). ODEQ is proposing amendments to the air quality provisions of 252:2-15, Environmental Permit Processing Times, to make them consistent with 252:100, Air Pollution Control. The terms "minor source(s)" and "major facility(ies)" would be changed to "minor facility(ies)" and "Part 70 source(s)," respectively. Oral comments may be made at the meeting of the Environmental Quality Board, 25 February 2000. *The proposed rules are available for review on ODEQ's web site at <http://www.deq.state.ok.us/>. For more information, please contact Myrna Bruce, ODEQ, at (405) 702-4177.*

Excess Emission and Malfunction Reporting Requirements (Subchapter 9); Control of Emission of Oxides of Nitrogen (Subchapter 33). The proposed changes to Subchapter 9 include substantive changes such as requiring that any written report or notice submitted for excess emissions contain a certification of truth, accuracy and completeness. Additional demonstration requirements for malfunctions and startup/shutdown have been added. These requirements, which owners and operators must meet to be exempt from compliance with applicable standards, include placing the burden on the owner or operator of proving that excess emissions occurring more than 1.5 percent of a process's operation time in a calendar quarter are not indicative of inadequate design, operation or maintenance. Language was also added to explain that compliance with this subchapter will not

exempt sources from complying with any applicable federal requirement. The proposed changes to Subchapter 33 are to simplify and clarify requirements and to remove redundant requirements. No substantive changes are proposed. A public hearing will be held 16 February 2000. Written comments will be accepted prior to and at the hearing.

The proposed rules are available for review on ODEQ's web site at <http://www.deq.state.ok.us/>. For more information, please contact Jeanette Buttram or Joyce Sheedy, Air Quality Division, ODEQ, at (405) 702-4100.

Registration, Emission Inventory and Annual Operating Fees (Subchapter 5); Prohibition of Open Burning (Subchapter 13). The changes to Subchapter 5 should allow annual operating fees to be based on the most recent emission data possible. The language clarifies that an owner/operator of a facility must report quantifiable excess emissions on their annual emission inventory. Substantive changes include requiring all inventories to be submitted prior to 1 March and providing a 60-day extension upon request and good cause shown. The proposed language also addresses overpayment of fees, and challenges of the method used to calculate the facility's emissions for fee calculation purposes.

The proposed changes to Subchapter 13 will simplify and clarify the subchapter. A few substantive changes were made such as adding definitions for "domestic refuse" and "land clearing operation," along with a section on disaster relief procedures. In some instances, the requirement to notify ODEQ or other appropriate official for authorization to burn was added. New language was added under "land management and land clearing operations" requiring those who clear land in areas that are or have been designated nonattainment to burn their vegetation in open-pit incinerators. Existing language on open-pit incinerators was expanded and now prohibits accepting any material owned by other persons and from transporting any material to the property where the open-pit incinerator is located in order to burn the material. Oral comments may be made at the meeting of the Environmental Quality Board on 25 February 2000.

Counsel Comment: This is a permanent rule. If the Environmental Quality Board approves this action on 25 February 2000, the action will be sent to the Governor. The rule should then become effective on 1 June 2000.

The proposed rules are available for review on ODEQ's web site at <http://www.deq.state.ok.us/>. For more information, please contact Jeanette Buttram, ODEQ, at (405) 702-4171.

Appendix E: Primary Ambient Air Quality Standards; Appendix F: Secondary Ambient Air Quality Standards. The proposed amendments to Appendices E and F would restore the primary and secondary ambient air quality standards to what they were prior to 18 July 1997. The 8-hour ozone standard of 0.08 parts per million (ppm) would be revoked and the 1-hour ozone standard of 0.12 ppm restored. The PM-2.5 standard would be revoked along with the revised form of the PM-10 standard and replaced with the previous form of the PM-10 standard. Oral comments may be made at the meeting of the Environmental Quality Board on 25 February 2000.

Counsel Comment: This is both an emergency and permanent rule. The effective date for the rule will be no later than 15 April 2000.

The proposed rules are available for review on ODEQ's web site at <http://www.deq.state.ok.us/>. For more information, please contact Michelle Martinez, ODEQ, at (405) 702-4176.

[NOTE: General information regarding ODEQ and its various programs, including access to rules and regulations, is available on ODEQ's web site at <http://www.deq.state.ok.us/>.]

TEXAS

Legislative/Regulatory Activity

U.S. EPA FINAL RULES

Approval and Promulgation of Implementation Plans; Control of Air Pollution from Volatile Organic Compounds (VOCs); Miscellaneous Industrial Sources, Cutback Asphalt (64 FR 71666, 22 December 1999; 40 CFR Part 52). The U.S. EPA is taking direct final action on revisions to the Texas SIP that concern control of air pollution from VOCs and miscellaneous industrial sources (specifically, asphaltic operations in the Nueces County and the ozone nonattainment areas). This rule is effective 22 February 2000. On 22 December 1999 (64 FR 71705), the U.S. EPA proposed to approve the SIP revisions and solicited comments on this decision. If adverse comments were received by the 21 January 2000 deadline, the U.S. EPA will publish a timely withdrawal

of the direct final rule in the *Federal Register* and address the comments in a subsequent final rule. *For further information, please contact Alan Shar, Air Planning Section, U.S. EPA Region 6, at (214) 665-6691.*

Approval and Promulgation of Implementation Plans; Repeal of Board Seal Rule and Revisions to Particulate Matter Regulations (64 FR 70592, 17 December 1999; 40 CFR Part 52). The U.S. EPA is withdrawing (because it received adverse comment) its direct final approval (published 28 October 1999 at 64 FR 57983) of a revision to the Texas SIP which removed the old Texas Air Control Board Seal rule in the Texas Natural Resources Conservation Committee (TNRCC) Chapter 101, General Rules, and revised and recodified TNRCC Particulate Matter regulations in TNRCC Chapter 111, Control of Air Pollution from Particulate Matter. The U.S. EPA will address the comment in a subsequent final action, and will not institute a second comment period on this action. *For further information, please contact Bill Deese, Air Planning Section, U.S. EPA Region 6, at (214) 665-7253.*

U.S. EPA PROPOSED RULE

Approval and Promulgation of Implementation Plans; Permitting of New and Modified Sources in Nonattainment Areas (65 FR 2560, 18 January 2000; 40 CFR Part 52). The U.S. EPA proposes to approve revisions to the Texas SIP. The revisions concern the permitting of new major sources and major modifications in areas which do not meet the national ambient air quality standards (nonattainment areas). Comments on the proposed rule must be received on or before 17 February 2000. *For further information, please contact Stanley Spruiell, Air Permits Section, U.S. EPA Region 6, at (214) 665-7212, or e-mail spruiell.stanley@epa.gov.*

U.S. EPA NOTICE

Proposed Settlement Agreement, CAA Citizen Suit (64 FR 71453; 21 December 1999). Under a proposed partial consent decree between the U.S. EPA and environmental groups (see *Delaware Valley Citizens' Council for Clean Air v. Browner*, D. D.C., No. 96-1316, 1 December 1999), the U.S. EPA will (1) promulgate full attainment federal implementation plans (FIPs) by 15 May 2000 for the serious areas without fully approved attainment demonstration SIPs as of that date, and (2) will promulgate full attainment demonstration FIPs by 14 June 2002 for the severe areas without fully approved attainment demonstration SIPs as of that date. The consent decree also provides for the FIP promulgation dates to be advanced under certain circumstances. Thirteen states (including Texas) and the District of Columbia are affected by this consent decree. The Houston-Galveston-Brazoria area located in Texas is classified as severe ozone nonattainment for the 1-hour ozone standard. *For more information, please contact Jan Tierney, Air and Radiation Law Office, Office of General Counsel, U.S. EPA.*

STATE OF TEXAS LEGISLATIVE ACTIVITY

The next regular session begins in January 2001. The Legislature will treat 2000 as an interim session and will meet in committees to discuss various issues. No agenda has yet been set.

STATE OF TEXAS FINAL RULES

Review of Chapter 101: Air, Permit (30 Texas Administrative Code [TAC] 101). TNRCC has adopted several amendments to its general air rules. These amendments include (1) amending definitions to clarify when and how specific regulations are applied, (2) clarification of procedures for regulating multiple air contaminants sources, (3) allowing the application of a single set of equivalent or more stringent requirements to permitted sources subject to multiple, duplicative regulatory requirements, (4) codification of statutory authority related to emission inventories and exemptions from rules, (5) corrections of administrative errors in upset and maintenance reporting rules, and (6) clarification of procedures that allow the commission to enforce federal emission standards. This rule was effective 23 December 1999. *For more information, please contact Beecher Cameron, TNRCC, at (512) 239-1495.*

Used Oil Filters: Hazardous Waste (30 TAC 328). TNRCC has adopted new rules regarding the handling of used oil filters to implement H.B. 2619 (1999). The rule (1) reduces transporter/transfer facility, storage facility, and process registration and reporting requirements from annual to biennial, (2) increases storage time at a storage facility from 90 to 120 days, and (3) authorizes TNRCC to grant two-year variances on on-site volume limits and storage period limits. The rules also repeal certain existing requirements which may be more stringent than the legislation, including (1) the storage facility requirement to have secondary containment, (2) the transporter

requirement to have spill kits, (3) the processing standards, (4) the requirement for a processor to determine the environmental risk associated with the storage of materials, (5) all collection center requirements, and (6) all container labeling requirements, except those pertaining to processors. This rule was effective 23 December 1999. *For more information, please contact Hygie Reynolds, TNRCC, at (512) 239-6825.*

STATE OF TEXAS PROPOSED RULES

Total Maximum Daily Load (TMDL) for Nickel in the Houston Ship Channel. TNRCC is proposing a TMDL for dissolved nickel in the Houston Ship Channel System. The TMDL allocates the maximum loading of nickel that will not cause a violation of the applicable water quality standard, and allocates the load among the various point and nonpoint sources in the system. The TMDL determines the allowable loading, permit limits, and permitting procedures for dissolved nickel for all wastewater discharges into this system. *For more information, please contact Larry Koenig, TNRCC, at (512) 239-4533.*

Monitoring Requirements for Certain Incinerators: Emission Monitoring (30 TAC 111; 3 December 1999). TNRCC is proposing rule amendments to Chapter 111 which would delete the monitoring requirements for dual chamber incinerators, which can meet the permit exemption concerning dual chamber incinerators, found in Section 106.491. *For more information, please contact David Ferrell, TNRCC, at (512) 239-1265.*

Surface Water Quality Standards: Atrazine and Perchlorate (30 TAC 307). TNRCC has proposed to strengthen the state's surface water quality standards by adding new standards for Atrazine (an herbicide widely used in agriculture) and perchlorate (a rocket motor propellant). The proposal for Atrazine would be a drinking water standard to be set at three parts per billion (ppb). The perchlorate standard of 22 ppb would apply to surface waters that receive discharges containing the compound.

TNRCC also proposed development of more stringent water standards for 23 existing toxic compounds, including those for many dissolved metals and organic compounds; and proposed new standards for 120 previously unclassified streams statewide. Finally, the proposal describes how TNRCC, under its new Texas Pollutant Discharge Elimination System program, will issue permits on construction sites, and to cities and industries, with regard to control of stormwater discharges. *Further information is available on the Internet at <http://www.tnrcc.state.tx.us/>.*

Surface Water Quality Standards (Amendments to Sections 307.2 - 307.10; Rules Review of Chapter 307). These revisions will satisfy federal requirements for triennial review. The site-specific standards will incorporate new sampling data and establish the appropriate changes in the rule so that permit issues in these areas can be resolved. Changes in variance procedures will reduce red tape as well as establish an approach that the U.S. EPA would approve for NPDES permits. The review of antidegradation provisions will better define how the antidegradation policy is implemented, and improve consistency in applying the policy to individual permit actions. The revisions of the standards implementation procedures will incorporate federal requirements for NPDES permitting and address a variety of recent implementation issues which have been developed on a case-by-case basis.

The proposed rule changes can be viewed at <http://www.tnrcc.state.tx.us/water/quality/standards/revisions.html>. The documents on this web site are not necessarily the actual rule amendments TNRCC will propose, which are expected to be published in the Texas Register early February 2000. For further information, please contact Lt. Col. John Smith, Air Force Regional Environmental Office – Central Region, at 1-888-610-7418, ext. 767-4672.

STATE OF TEXAS ADVANCED NOTICES OF PROPOSED RULEMAKING

Delivery of Fuel to Regulated Storage Tanks. TNRCC is currently looking for input from military installations on how to implement a new law - H.B. 2815 concerning deliveries of fuel to regulated storage tanks – on DoD installations. The new law requires owners and operators of regulated storage tanks to certify compliance with applicable TNRCC rules. Installations will be required to certify compliance with (1) registration, (2) fees, (3) financial assurance, and (4) technical standards for release detection, corrosion protection, and spill/overflow prevention. TNRCC will then issue a delivery certificate for receipt of fuel deliveries. H.B. 2815 was effective 1 September 1999. TNRCC, on its rule tracking log, has posted an expected completion date of 31 May 2000. It is reported that the public comment period will probably begin on 25 February 2000.

Munitions Rule. Texas was expected to propose a rule for adoption of the Munitions Rule by the end of 1999, and adopt the rule in the June 2000 time frame. Texas is expected to adopt the federal rule in its entirety by reference or by equivalent rules.

[NOTE: Current TNRCC regulatory information, including proposals, adoptions and a rules tracking log, is available on TNRCC's web site at <http://www.tnrcc.state.tx.us/>.]

REGION VII STATE ACTIVITY

IOWA

Legislative/Regulatory Activity

U.S. EPA FINAL RULE

Approval and Promulgation of Implementation Plans and Approval Under Section 112(I) (64 FR 67784, 3 December 2000; 40 CFR Part 52). The U.S. EPA is taking final action to approve SIP revisions submitted by the State of Iowa. These revisions affect Chapter 20 (definitions), Chapter 22 (permits required for new or existing stationary sources; voluntary operating permit applications; operating permit by rule for small sources), Chapter 23 (emission standards), and Chapter 25 (testing and sampling of new and existing equipment). This rule was effective 3 January 2000. *For further information, please contact Wayne Kaiser, Air Planning and Development Branch, U.S. EPA, at (913) 551-7603.*

STATE OF IOWA LEGISLATIVE ACTIVITY

The Legislature convened 10 January 2000 and is expected to adjourn 18 April 2000. The budget laid out during Governor Vilsack's (D) State of the State Address included a \$2.5 million water-testing program. Both the Governor and legislative Republicans want to increase spending to ensure enhanced water quality. Vilsack's plan has garnered support from Democratic leaders, but has raised the concerns of Republicans in the Legislature. The latter believe the proposed budget increases are closer to 6% (and not the 3.5% Vilsack claims), which is more than they are likely to approve.

On 20 December 1999, the Iowa Protection Commission endorsed 14 proposed changes in state law to help protect Iowa waterways, air and soil. The regulatory panel's suggestions included (1) a state environmental policy act that would set up special reviews on projects that could affect state parks, recreational facilities or protected waterways; (2) more than doubling the state's administrative fines for environmental offenses; and (3) raising the maximum penalties the Iowa Department of Natural Resources (IDNR) can seek in civil court cases involving environmental offenses to \$27,500 per day (from \$5000 per day). Lawmakers also want to take action to increase the use of ethanol.

Iowa House Concurrent Resolution 4 — Endangered Species, Wetlands. This concurrent resolution (introduced 11 January 1999, and formerly known as Legislative Study Bill 1047) urges the development of programs to provide economic incentives to conserve endangered ecosystems and endangered species. The reported outlook is that prospects for this resolution's consideration are unfavorable since the sponsor is a Democrat in a Republican-controlled House and is not a member of the committee to which the bill was sent.

Iowa House File 353 — Landfill/Incinerator Bans, Disposal Requirements. This file (introduced 24 February 1999) prohibits the land disposal of corrugated cardboard. The reported outlook is that prospects for this House file's passage are poor (it has not been acted upon since its introduction).

Iowa House Study Bill (H.S.B.) 199 — Air. This study bill (introduced 25 February 1999) provides for the legislative review and oversight of actions taken by the U.S. EPA under the federal CAA regarding regulations relating to the transport of ozone. The legislature would be notified by IDNR of the issuance of a notice or request by the U.S. EPA for the submission of a SIP for Iowa related to ozone attainment. The reported outlook is that prospects for this study bill's consideration are unclear. Not all study bills become House files.

Iowa H.S.B. 225 — Water. This study bill (introduced 5 March 1999) provides that IDNR shall initiate a comprehensive review of the water quality standards in accordance with the federal CWA, which requires such a review triennially. The study bill provides that (1) the Department shall implement an interim strategy to address the

issue of ammonia removal in permits issued under the Iowa NPDES Permitting Program; (2) if ammonia concentrations measured in the effluent are significantly higher than the current allowable limits, a permit holder shall plan modifications to the design of the facility to provide for ammonia removal; and (3) if the effluent is not deemed acutely toxic, the Department shall not take enforcement action until the review period is completed. When the review is completed, all permits shall be modified to reflect any changes in the effluent ammonia limits. The reported outlook is that prospects for this study bill's consideration are unclear. Not all study bills become House files.

Iowa Senate File (S.F.) 368 — Endangered Species. This file (introduced 10 March 1999, and formerly known as Legislative S.F. 1216) provides civil and criminal penalties for illegal acts affecting endangered or threatened species of fish, plants, or wildlife. The file changes the reviewing of the state endangered and threatened species list to every five years from two years. The reported outlook is that prospects for this file's passage in the House are unclear.

STATE OF IOWA PROPOSED RULES

Title V Permit Fees (Illinois Administrative Code r. 567-22.106[1]). IDNR is proposing to increase the maximum Title V operating permit fee from \$24 per ton of pollutant emitted to \$29.

Counsel Comment: Although the \$29 per ton cap is lower than the presumptive minimum, business groups in Iowa are protesting the \$29 per ton cap as too high. On 4 February 2000, IDNR may decrease the fee slightly as a response to these protests. The cap amount should be approved in March 2000, with an effective date of July 2000.

For more information, please contact Corey McCoid, IDNR, at (515) 281-4801.

Air Rules Update: Adopt a Federal Rule (Chapter 23; 15 December 1999). IDNR is proposing amendments to update its air rules. (Note: IDNR tries to update its air rules every six months.) The amendments will adopt recent federal air program amendments, including any new or revised Maximum Available Control Technology (MACT) standards. Specifically, this rule will adopt by reference 13 NESHAPs, and four generic national standards for emission control that were promulgated by the U.S. EPA.

Counsel Comment: This action adopts all final NESHAPs through the end of June 1999. The action specifically adopts all Part 63 standards (for example, the cement manufacturing MACT). The effective date for the adoption of these rules should be either late February or March 2000.

For more information, please contact Corey McCoid, IDNR, at (515) 281-4801.

STATE OF IOWA DISCUSSIONS

Air Toxics. IDNR is discussing possible amendments to its air toxics rules. Currently, Iowa is one of 14 states that do not have a comprehensive air toxics program. The Department formed a task force to study the health impacts of air toxics and make recommendations on the regulation of air toxics in Iowa. A draft report has been prepared, and Department staff expected the task force to finalize their report in January 2000. The report will contain the task force's recommendations to Governor Vilsack regarding air toxics. *For more information, please contact Brian Button, IDNR, at (515) 281-7832.*

Review of Title V Fee Structure. IDNR will conduct a review of its Title V fee structure in the year 2000. The Department will investigate whether the current fee structure of basing Title V fees on \$/ton of actual emissions is fair and reasonable, or whether another fee structure would be better.

Counsel Comment: In response to complaints from business groups about the "equitableness" of the fee structure, IDNR will begin conducting a review of that structure beginning in March 2000. The review should be completed in 3 to 6 months, so that results of the review can be incorporated and effective for the next fee billing cycle (summer 2001).

For more information, please contact Corey McCoid, IDNR, at (515) 281-4801.

Triennial Review Phase I: Water Quality Standards. IDNR has begun discussions to amend its water quality regulations as part of its Triennial Review. The areas being considered in Phase I of the review are (1) new or revised numeric criteria for various metals, (2) addition of a calculation of chlorine into wasteload allocation to

consider chlorine demand in mixing zones, (3) adoption of U.S. EPA's Technical Support Document (TSD) approach for determining NPDES permitting requirements from wasteloads, (4) incorporation of a method for a discharger to petition for changing the months of seasonal distribution limits, (5) modification of the dissolved oxygen limits to make them more consistent with U.S. EPA's requirements, (6) adoption of U.S. EPA's TSD for low critical stream flow, (7) clarification of how to delineate drinking water standards, and (8) correction of several stream use designations.

The non-controversial issues will be addressed in Phase I of this review. The Department expects to publish its Phase I proposal for public comments in spring 2000. *For more information, please contact Ralph Turkle, IDNR, at (515) 281-7025.*

Triennial Review Phase II: Water Quality Standards. IDNR has begun discussions to amend its water quality regulations as part of its Triennial Review. The areas being considered in Phase II of the review are (1) new or revised numeric criteria for ammonia, newer-generation pesticides, and bacteria, (2) revision of the methods the Department uses to develop water quality-based effluent limits, (3) establishment of biological standards, (4) establishment of procedures for identifying waters that are used for swimming and other contact recreation uses, (5) development of criteria for wetlands, and (6) development of implementation protocols for the antidegradation policy.

The more controversial issues will be addressed in Phase II of this review. The Department will begin to work on Phase II in early 2000, but does not expect to publish its proposal for public comments until fall 2000 at the earliest. *For more information, please contact Ralph Turkle, IDNR, at (515) 281-7025.*

[NOTE: General information regarding IDNR and its various programs, including a status report on proposed rules, draft rules, adopted rules awaiting publication, and recently adopted rules, is available on IDNR's web site at <http://www.state.ia.us/government/dnr/index.html>.]

KANSAS

Legislative/Regulatory Activity

U.S. EPA FINAL RULES

Adequacy of State Permit Programs Under RCRA Subtitle D (65 FR 1814, 12 January 2000; 40 CFR Parts 257 and 258). The U.S. EPA is taking direct final action to streamline the approval process for specific state permit programs for solid waste disposal facilities other than municipal solid waste landfills (MSWLFs) that receive conditionally exempt small quantity generator (CESQG) hazardous waste. States whose Subtitle D MSWLF permit programs or Subtitle C hazardous waste management programs have been reviewed and approved or authorized by the U.S. EPA are eligible for this streamlined approval process if their state programs require the disposal of CESQG hazardous waste in suitable facilities. The U.S. EPA is issuing an adequacy determination to the state programs for Kansas, Missouri and Nebraska. The rule is effective 11 April 2000.

On 12 January 2000 (65 FR 1842), the U.S. EPA proposed the streamlined approval process and solicited comments on this decision. If adverse comments were received by the 11 February 2000 deadline, the U.S. EPA will publish a timely withdrawal of the direct final rule in the *Federal Register* and address the comments in a subsequent final rule. *For general information, please contact U.S. EPA Region 7 at (913) 551-7241. For information on accessing copies of documents or supporting materials relating to the rule, or for information on specific aspects of the rule, please contact Wes Bartley, U.S. EPA Region 7, ARTD/SWPP, at (913) 551-7632, or e-mail bartley.wes@epa.gov.*

Approval and Promulgation of Implementation Plans (65 FR 1545, 11 January 2000; 40 CFR Part 52). The U.S. EPA is taking direct final action in approving revisions to the SIP for Kansas. The revisions include revising and renumbering regulatory definitions, streamlining opacity requirements, expanding testing of gasoline delivery vehicles, and methods for calculating actual emissions. This rule is effective 13 March 2000. On 11 January 2000 (65 FR 1583), the U.S. EPA proposed to approve the SIP revisions and solicited comments on this decision. If adverse comments were received by the 10 February 2000 deadline, the U.S. EPA will publish a timely withdrawal of the direct final rule in the *Federal Register* and address the comments in a subsequent final rule. *For further information, please contact Christopher Hess, Air Planning and Development Branch, U.S. EPA Region 7, (913) 551-7213, or e-mail hess.christopher@epamail.epa.gov.*

U.S. EPA NOTICE

Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Kansas Authorization Application (65 FR 2396; 14 January 2000). This notice announces the U.S. EPA's receipt of the State of Kansas application for U.S. EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under Section 402 of the Toxic Substances Control Act (TSCA). Kansas has provided self-certification of a lead program meeting the requirements for approval under Section 404 of TSCA. The State program is deemed authorized as of the submittal date. Comments must be received on or before 28 February 2000; and public hearing requests may be submitted on or before that date.

For further information, please contact Mazzie Talley, Lead Coordinator, Radiation, Asbestos, Lead and Indoor Programs Branch, Air, RCRA and Toxics Division, U.S. EPA Region 7, at (913) 551-7518, or e-mail talley.mazzie@epa.gov.

STATE OF KANSAS LEGISLATIVE ACTIVITY

The Kansas Legislature convened on 10 January 2000 and will adjourn on 8 April 2000. Governor Bill Graves (R) delivered his State of the State address on 10 January, in which he submitted his budget request to legislators. The Governor is making health, education, and supportive and collaborative programs his major focus during this term. The latter programs include investing in health and environmental commitments at the state and local levels.

KDHE intends to move forward with a legislative proposal to expand the tonnage fee exemption to include C&D waste generated by federal facilities and disposed in Kansas landfills.

STATE OF KANSAS REGULATORY ACTIVITY

There was no significant activity for this period.

[NOTE: General information regarding KDHE and its various programs, including access to rules and regulations, is available on KDHE's web site at <http://www.kdhe.state.ks.us/>.]

MISSOURI

Legislative/Regulatory Activity

U.S. EPA FINAL RULES

Adequacy of State Permit Programs Under RCRA Subtitle D (65 FR 1814, 12 January 2000; 40 CFR Parts 257 and 258). The U.S. EPA is taking direct final action to streamline the approval process for specific state permit programs for solid waste disposal facilities other than MSWLFs that receive conditionally exempt CESQG hazardous waste. States whose Subtitle D MSWLF permit programs or Subtitle C hazardous waste management programs have been reviewed and approved or authorized by the U.S. EPA are eligible for this streamlined approval process if their state programs require the disposal of CESQG hazardous waste in suitable facilities. The U.S. EPA is issuing an adequacy determination to the state programs for Missouri, Kansas and Nebraska. The rule is effective 11 April 2000.

On 12 January 2000 (65 FR 1842), the U.S. EPA proposed the streamlined approval process and solicited comments on this decision. If adverse comments were received by the 11 February 2000 deadline, the U.S. EPA will publish a timely withdrawal of the direct final rule in the *Federal Register* and address the comments in a subsequent final rule. *For general information, please contact U.S. EPA Region 7 at (913) 551-7241. For information on accessing copies of documents or supporting materials relating to the rule, or for information on specific aspects of the rule, please contact Wes Bartley, U.S. EPA Region 7, ARTD/SWPP, at (913) 551-7632, or e-mail bartley.wes@epa.gov.*

Approval and Promulgation of Implementation Plans (64 FR 71663, 22 December 1999; 40 CFR Part 52). The U.S. EPA is taking direct final action in approving a revision to the state's SIP. This revision incorporates portions of the new Kansas City rules contained in the Kansas City Air Pollution Control Ordinance in Sections 8-2 and 8-5, which pertain to the emission of particulate matter from incinerators. This revision will concurrently remove incinerator SIP provisions contained in Chapter 18 of the 1972 version of the Kansas City Code. This rule is

effective 22 February 2000. On 22 December 1999 (64 FR 71704), the U.S. EPA proposed to approve the SIP revision and solicited comments on this decision. If adverse comments were received by the 21 January 2000 deadline, the U.S. EPA will publish a timely withdrawal of the direct final rule in the *Federal Register* and address the comments in a subsequent final rule. *For further information, please contact Wayne Kaiser, Air Planning and Development Branch, U.S. EPA Region 7, at (913) 551-7603.*

Approval and Promulgation of Implementation Plans (64 FR 72032, 23 December 1999; 40 CFR Parts 52 and 70). The U.S. EPA is taking direct final action in approving certain portions of the SIP revisions submitted by the State of Missouri. The U.S. EPA is also approving the rule as revisions to the Missouri Part 70 operating permits program. These revisions established emission and service fees for 1997 and 1998 and clarify language regarding reporting requirements, emission calculations and verification. This rule is effective 22 February 2000. On 23 December 1999 (64 FR 72045), the U.S. EPA proposed to approve the SIP revision and solicited comments on this decision. If adverse comments were received by the 24 January 2000 deadline, the U.S. EPA will publish a timely withdrawal of the direct final rule in the *Federal Register* and address the comments in a subsequent final rule. *For further information, please contact Kim Johnson, Air Planning and Development Branch, U.S. EPA Region 7, at (913) 551-7975.*

Approval and Promulgation of Implementation Plans and Part 70 Operating Permits Program (64 FR 1787, 12 January 2000; 40 CFR Parts 52 and 70). The U.S. EPA is taking direct final action in approving an amendment to the Missouri SIP involving revisions to 10 Code of State Regulations (CSR) 10-6.020, Definitions and Common Reference Tables. The U.S. EPA is also approving the rule as a revision to the Missouri Part 70 operating permits program. This rule is effective 13 March 2000. On 12 January 2000 (65 FR 1841), the U.S. EPA proposed to approve the SIP revision and solicited comments on this decision. If adverse comments were received by the 11 February 2000 deadline, the U.S. EPA will publish a timely withdrawal of the direct final rule in the *Federal Register* and address the comments in a subsequent final rule. *For further information, please contact Wayne Kaiser, Air Planning and Development Branch, U.S. EPA Region 7, at (913) 551-7603.*

Approval and Promulgation of Implementation Plans and Part 70 Operating Permits Program (64 FR 71035, 20 December 1999; 40 CFR Part 52). The U.S. EPA is taking direct final action in approving an amendment to the Missouri SIP involving revisions to 10 CSR 10-3.050, Restriction of Emission of Particulate Matter From Industrial Processes. This rule is effective 18 February 2000. On 20 December 1999 (64 FR 71087), the U.S. EPA proposed to approve the SIP revisions and solicited comments on this decision. If adverse comments were received by the 19 January 2000 deadline, the U.S. EPA will publish a timely withdrawal of the direct final rule in the *Federal Register* and address the comments in a subsequent final rule. *For further information, please contact Wayne Kaiser, Air Planning and Development Branch, U.S. EPA Region 7, at (913) 551-7603.*

Approval and Promulgation of Implementation Plans and State Operating Permits Programs (64 FR 71038, 20 December 1999; 40 CFR Parts 52 and 70). The U.S. EPA is announcing the final approval of the Missouri "Definitions and Common Reference Tables" rule and certain portions of the Missouri "Operating Permits" rule as revisions to the state's SIP and the state's operating permits program. This rule was effective 19 January 2000. *For further information, please contact Kim Johnson, Air Planning and Development Branch, U.S. EPA Region 7, at (913) 551-7975.*

STATE OF MISSOURI LEGISLATIVE ACTIVITY

The Missouri Legislature convened on 5 January 2000 and will adjourn on 12 May 2000. Governor Mel Carnahan (D) delivered his State of the State Address to the Legislature on 18 January 2000.

STATE OF MISSOURI FINAL PROGRAM

Natural Resource Damages; Multimedia. The Missouri Department of Natural Resources (MDNR) has established a Natural Resource Damages (NRD) program to recover damages from potentially responsible parties for injuries to trust resources resulting from the release or threatened release of a hazardous substance or discharge of oil. The recovered damages are used to "restore, replace, rehabilitate or acquire the equivalent of the natural resource damaged." Sources that could be damaged by a release or a discharge could include groundwater, surface waters, habitats, wildlife and fish, and fauna and flora. MDNR has expressed its intent to raise the NRD issue early, so that remediation and restoration work can be done together to provide a more cost effective and efficient approach. *For more information, please contact Frances Klahr, MDNR, at (573) 522-1347.*

STATE OF MISSOURI FINAL RULES

VOCs and NOx in St. Louis Nonattainment Area: SIP, FIP (10 CSR 10-5.295, .500 - .550). MDNR has amended the air rules for the St. Louis nonattainment area to adopt additional measures in order for the area to comply with the CAA Amendments of 1990. The amendments adopt RACT requirements for (1) aerospace manufacture and/or rework facilities, (2) volatile organic liquid storage vessels, (3) major sources of NOx, (4) major sources of VOCs, (5) wood furniture manufacturing, (6) batch process operations, and (7) reactor processes and distillation operations. The amendments are effective 29 February 2000.

The U.S. EPA recently adopted a transport policy guidance allowing certain nonattainment areas to apply for extension of the attainment deadlines. MDNR is preparing to apply for an extension of the attainment deadlines for the St. Louis Area. Missouri is required to submit a revised attainment demonstration to show ozone transport is a factor in its ability to attain the one-hour standard. *For more information, please contact Jim Kavanaugh, MDNR, at (573) 751-4817.*

UST Rule Amendments: Cleanup Standards (10 CSR 20-10). MDNR has adopted amendments to its underground storage rules. The amendments primarily adopt several recent federal adoptions, make clarifications to existing rules and rescind a number of rules being promulgated by the Petroleum Storage Tank Insurance Fund Board of Trustees. The final amendments are still pending publication in the Missouri Register. It is reported that the amendments will become effective 30 March 2000. *For more information, please contact Tim Eiken, MDNR, at (573) 526-2737.*

STATE OF MISSOURI PROPOSED RULES

Transition Plan for I/M: Air (10 CSR 10-5.380). MDNR has adopted an emergency amendment detailing the transitional program which began 1 January 2000 (effective date) and will end when the centralized test-only emissions inspection stations begin emission inspections. The transitional program will allow St. Louis area vehicle owners to register their vehicle with a deferred emissions inspection. The Department is proposing to adopt its emergency regulations as permanent. Written comments will be accepted until 15 February 2000. *For more information, please contact Roger Randolph, MDNR, at (573) 751-4817.*

Adoption of Federal Drinking Water Rules (10 CSR 60-2.015). MDNR is proposing to amend its drinking water regulations to adopt the federal Interim Enhanced Surface Water Treatment Rule and the Disinfection Byproducts Rule, and the federal Interim Enhanced Surface Water Treatment Rule. The rule will also add reporting and recordkeeping requirements for disinfection byproducts and update the certification requirements for analysis of disinfection byproducts. A public hearing will be held 22 February 2000 and written comments will be accepted until 20 March 2000. *For more information, please contact Jerry Lane, MDNR, at (573) 751-5331.*

STATE OF MISSOURI DISCUSSIONS

RCRA Adoption: Hazardous Waste, Treatment/Storage/Disposal Facilities, LDRs. MDNR has begun discussions regarding its next RCRA update. The Department has already adopted the federal RCRA rules through 1997 and the Military Munitions Rule. Among other things, the Department expects its next update to address the post-closure rule, LDRs IV, and MACT fast track rules. MDNR is waiting for the U.S. EPA to give the state final RCRA authorization, and expects to begin the rulemaking process mid-2000.

Counsel Comment: It is anticipated that this rule will be proposed in the summer 2000, with the rule becoming final in early (January – February) 2001. It is more likely that the rules will incorporate (1) hazardous waste identification for media and (2) LDRs IV. It is more unlikely that the rules will incorporate either (1) post-closure rules or (2) MACT fast track rules.

For more information, please contact Tim Eiken, MDNR, at (573) 526-2737.

UST Registration Requirements. MDNR is considering amendments to its UST rules regarding tank registration. The amendments may establish an annual survey of tank owners to update registration records. Tank owners would only be required to return the survey if their registration information had changed in the past year. MDNR is still discussing the contents of its proposal and does not expect to publish a proposal for comment until late 2000.

Counsel Comment: The rule is currently being drafted internally by MDNR. At this time, it is likely that a draft rule will be issued in January 2001 (or even later). The Central Regional Environmental Office (CREO) has asked to be placed on the working committee for this proposed rule.

For more information, please contact Tim Eiken, MDNR, at (573) 526-2737.

ASTs Rulemaking Package (10 CSR 20-15). MDNR is drafting a rulemaking package to amend the Petroleum Storage Tank Regulations to include the regulation of ASTs. MDNR expects the rulemaking to focus on remediation and corrective action. The amendments will create 10 CSR 20-15, which will describe technical requirements for ASTs. MDNR is still in the concept development phase with its proposal, and is not expected to publish its proposal until late 2000.

Counsel Comment: This rule is currently being drafted internally by MDNR. It is anticipated that when proposed, the rule will be a "remedial rule" requiring (1) spill reporting, (2) determination of the level of contamination, and (3) cleanup of contamination to the appropriate standards. It is anticipated that leak detection will NOT be required. The CREO has asked to be placed on the working committee for this proposed rule.

For more information, please contact Tim Eiken, MDNR, at (573) 526-2737.

STATE OF MISSOURI RULE DRAFTING

303(d) List: Water, TMDL. MDNR is preparing its Year 2000 303(d) list of impaired waters in the state. States are required to submit such a list every two years, and then establish TMDLs for those impaired waters. The Department will hold a second public comment period between 4 February 2000 and 3 March 2000. The Department plans to submit its proposed Year 2000 303(d) list to the Missouri Clean Water Commission for its approval on 15 March 2000. *For more information, please contact John Ford, MDNR, at (573) 751-7024.*

[NOTE: General information regarding MDNR and its various programs is available on MDNR's web site at <http://www.dnr.state.mo.us/homednr.htm>.]

NEBRASKA

Legislative/Regulatory Activity

U.S. EPA FINAL RULES

Adequacy of State Permit Programs Under RCRA Subtitle D (65 FR 1814, 12 January 2000; 40 CFR Parts 257 and 258). The U.S. EPA is taking direct final action to streamline the approval process for specific state permit programs for solid waste disposal facilities other than MSWLFs that receive conditionally exempt CESQG hazardous waste. States whose Subtitle D MSWLF permit programs or Subtitle C hazardous waste management programs have been reviewed and approved or authorized by the U.S. EPA are eligible for this streamlined approval process if their state programs require the disposal of CESQG hazardous waste in suitable facilities. The U.S. EPA is issuing an adequacy determination to the state programs for Nebraska, Missouri and Kansas. This rule is effective 11 April 2000.

On 12 January 2000 (65 FR 1842), the U.S. EPA proposed the streamlined approval process and solicited comments on this decision. If adverse comments were received by the 11 February 2000 deadline, the U.S. EPA will publish a timely withdrawal of the direct final rule in the *Federal Register* and address the comments in a subsequent final rule. *For information on accessing copies of documents or supporting materials relating to the rule, or for information on specific aspects of the rule, please contact Wes Bartley, U.S. EPA Region 7, ARTD/SWPP, at (913) 551-7632, or e-mail bartley.wes@epa.gov.*

Approval and Promulgation of Implementation Plans and Operating Permits Program (65 FR 3130, 20 January 2000; 40 CFR Parts 52 and 70). The U.S. EPA is approving a SIP revision that contains updates to Title 129 – Nebraska Air Quality Regulations, Chapters 1, 2, 5 – 8, 10, 17, 22, 25, 34, 35, 41, and Appendix II. The U.S. EPA is also approving revisions adopted by the Lincoln-Lancaster County Health Department in 1997 and 1998, and rule revisions adopted by the city of Omaha in 1998. Finally, the U.S. EPA is approving revisions to the Part 70 operating permits programs. This rule is effective 20 March 2000. On 20 January 2000 (65 FR 3168), the U.S. EPA proposed to approve the SIP revisions and solicited comments on this decision. If adverse comments were received by the 22 February 2000 deadline, the U.S. EPA will publish a timely withdrawal of the direct final rule

in the *Federal Register* and address the comments in a subsequent final rule. For further information, please contact Wayne Kaiser, Air Planning and Development Branch, U.S. EPA Region 7, at (913) 551-7603.

STATE OF NEBRASKA LEGISLATIVE ACTIVITY

The Nebraska Legislature convened on 5 January 2000 and is expected to adjourn on 12, 13 or 14 April 2000. Committee referrals will begin 18 January 2000, and all legislation must be introduced by 20 January 2000. Governor Mike Johanns (R) gave his State of the State address to the Nebraska Legislature on 12 January 2000. His proposals included merging the Department of Natural Resources with the Department of Water Resources.

Nebraska Legislative Bill (L.B.) 900 — Environmental Administrative Procedures. This bill (introduced 5 January 2000) proposes to merge the Department of Natural Resources and the Nebraska Natural Resources Commission, effective immediately. For a copy of the bill, visit the web site http://www.unicam.state.ne.us/PDF/INTRO_LB900.pdf. The reported outcome of this bill is that it is likely to be considered. The bill has been declared one of two priority bills for the Natural Resources Committee.

Nebraska L.B. 1234 — Reformulated Fuels, Emissions. This bill (introduced 12 January 2000) repeals statutory provisions requiring reformulated gasoline sold in ozone nonattainment areas of the state, as designated by the U.S. EPA, to contain oxygen content equal to or greater than 3.1% weight oxygen. The bill requires gasoline sold in the state to contain renewable fuel content equal to or greater than 2% by weight beginning 1 January 2001 and ending 1 January 2002. The bill further requires 2.7% or greater renewable fuel content between 1 January 2002 and 1 January 2003. Finally, the bill requires 3.5% or greater renewable content beginning 1 January 2003. The bill includes several exemptions. For a copy of the bill, visit the web site http://www.unicam.state.ne.us/PDF/INTRO_LB1234.pdf. The reported outcome for this bill is that prospects for consideration are favorable. The sponsor chairs the Natural Resources Committee, to which the bill is likely to be referred.

Nebraska L.B. 1151 — Water Quality. This bill would appropriate \$1.5 million from the General Fund for FY 2000-01 to the Nebraska Natural Resources Commission for distribution to natural resources districts for use in targeted critical erosion or water quality areas. For a copy of this bill, visit the web site http://www.unicam.state.ne.us/PDF/INTRO_LB1151.pdf. It is reported that prospects for this bill are unclear. The sponsor does not serve on the Appropriations Committee, to which this bill has been referred.

Nebraska Legislative Resolution 262 — Pollution Prevention, Waste. The House Natural Resources Committee is sponsoring this bill. This is a resolution to study the creation of an environmental stewardship program for Nebraska that may offer incentives to regulated businesses that demonstrate a record of environmental excellence in regulatory compliance, pollution prevention, waste minimization, and improvement of environmental performance. It is reported that prospects for further consideration are likely. For more information on this resolution, see the following web site: http://www.unicam.state.ne.us/PDF/INTRO_LR262.pdf.

STATE OF NEBRASKA REGULATORY ACTIVITY

There was no significant activity for this period.

[NOTE: General information regarding the Nebraska Department of Environmental Quality (NDEQ) and its various programs, including access to rules and regulations, is available on NDEQ's web site at <http://www.deq.state.ne.us/>.]

The Central Region Review is prepared by Versar, Inc., in support of the CREO, to assist you in your compliance efforts. Questions regarding this document should be directed to Ms. Diane Faile, Regulatory Specialist, at (816) 983-3444 or fax at (816) 426-7414. Legal questions should be directed to Mr. G.T. Zolyak, Regional Counsel, at (410) 436-1275 or fax at (410) 436-1670. Current and past issues of CREO regulatory updates are available on the Internet at <http://aec.army.mil/> under "Regional Offices."



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